

once a bill is marked up and left the full committee. Are we going to revert backward now, and every time an amendment is offered, some Senator is going to stand up and say: you cannot go further; you have to have a hearing on that amendment?

The Senator from New Mexico and others know exactly what is in this legislation. We have worked extremely hard to bring all parties into it. The staff of the Senator from New Mexico was involved in some of the negotiations and then decided not to attend the rest of them as they went forward. It has not been a private process. It has been most open and most public with the Senators from the Republican side and the Senators from the Democrat side and their staffs working collaboratively and cooperatively together to get where we are today. We heard a very clear explanation from the Senator from Oregon of the kind of process we went through and the product we have produced.

Is this now the handbook of the environmental community playing its card? I hope not. I hope that is not the process in the end. It is almost like the forest vernacular of the appeals process. You stay involved just long enough and just before the decision comes about, you ask for an appeal. No more appeals. The process has worked its will. All parties have been involved. All amendments have been worked. Now it is time to come to the Senate and debate it and if the Senator from New Mexico has amendments, offer them up. Let's debate them. Let's talk about them.

What is so critically important for the health of America's forests is that we move forward with a process that begins to allow an active management approach we think this legislation has very skillfully crafted. We still have to work out our differences between the House and the Senate. I am supportive of the Senate bill. I will work in a conference, if I am a part of that conference, to try to get the Senate's bill to work its will and to become part of our forest management law. That is what is critical. That is what is important.

Clearly, it is time we move forward. It is now not time to stall. There would be all kinds of reasons to argue if these bills had never had hearings, if these bills had never been allowed to be amended in committee, if these bills had never been allowed to do a full markup, but all of that has happened. Why are we in the fifth inning in an appeals approach suggesting we hold more hearings on an amendment that can be effectively debated on the floor of the Senate? It is a critical issue for my State and for the public forests of this country.

I hope in a bipartisan way we can bring this legislation to the floor, have a thorough debate and an amendment process, and move it on.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I believe we need to do something for healthy forests. I know how hard the Senator from Oregon has worked on this, along with others. I applaud and commend them for working.

Nevada, of course, is a State very large in area and we have had some devastating fires in the last several years. Something needs to be done about it.

In response to my friend from Idaho, who I have the greatest respect for, he did not mention by name the Senator from New Mexico, but he is talking about Senator BINGAMAN, speaking in not a favorable light about my friend, the junior Senator from New Mexico. I have served with JEFF BINGAMAN. We were elected to Congress the same year. He is a man of intellect. He is Harvard educated, and he has a fine legal mind. Certainly he is not anyone, by virtue of his record, which would be easily obtainable, to go whatever way the environmental community wants him to go.

I can speak from experience. I have issues where I believe the Senator from New Mexico should have followed what I felt was the right way, and the environmental community supported it, and he did not go that way.

All I am saying is Senator BINGAMAN is one of the finest Senators we have in this body. He has some problems with this legislation, some of which are based upon the fact he is the ranking member and former chairman of the committee which some believe should be the authorizing committee and not the Agriculture Committee. I do not take a position on that because I do not know which committee should be involved. But as the ranking member of that committee, Senator BINGAMAN has some concerns and there are some questions he has asked. I do not think that is out of line in any way.

So without belaboring the point—and I certainly know Senator BINGAMAN can defend himself, but he is not here—I want to simply say he is one of the fairest people, one of the people who understands Senate procedure and rules as much as anyone I know, who is also interested in doing something about the forest fires sweeping the west.

New Mexico has had them. We know one fire which got so much attention was a manmade fire when a Forest Service burn got out of control and nearly wiped out one of the defense installations there in Los Alamos.

I would hope everyone understands Senator BINGAMAN is trying to come forward with what he believes are some serious questions about the way this legislation has moved. If his questions are answered, there will be a number of us who will look to him for leadership on this bill.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I understand under the order a certain amount of time is allocated to me.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

UNANIMOUS CONSENT REQUEST— H.R. 1904

Mr. COCHRAN. Madam President, at the request of the majority leader, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the minority leader, the Senate proceed to the immediate consideration of H.R. 1904, the Healthy Forests Restoration Act, under the following limitations: That any amendments offered must be relevant to the underlying measure, and that any second-degree amendment be relevant to the first-degree amendment to which it is offered. I further ask unanimous consent that following the disposition of any amendments, the bill be read a third time and the Senate proceed to a vote on passage, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Madam President, reserving the right to object, I would ask that the distinguished Senator from Mississippi modify his request and just simply allow the bill to come to the floor at a time to be agreed upon by the majority leader after consultation with the Democratic leader, that the bill just come to the floor, period, with no restrictions on it.

The PRESIDING OFFICER. Does the Senator accept that modification?

Mr. COCHRAN. Madam President, I am not able to accept it on behalf of the majority leader. I made this request at the majority leader's request. This was written by the majority leader, so I am unable to make that modification.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COCHRAN. Madam President, the Healthy Forests Restoration Act, which is a bill that has been reported by the Agriculture Committee, is a comprehensive strategy to improve forest health on both public and private lands. The bill empowers Federal land managers to implement, in consultation with local communities, scientifically supported management practices on Federal forests. It establishes new conservation programs to improve water quality and regenerate privately owned forests.

This bill will reduce the amount of time and expense required to conduct hazardous fuel projects, but it also mandates rigorous environmental analysis before any such projects are undertaken.

Over the past few years, many lives have been lost and homes and communities destroyed by forest fires that could have been prevented. Instead of managing our national forests, the U.S. Forest Service has been forced to spend

inordinate amounts of time and effort fighting lawsuits. This has caused months and sometimes years of delays in fuel reduction projects. Our forests have continued to suffer, and they have continued to burn.

I will offer an amendment to title I of the bill, if and when it is presented to the Senate, which contains several modifications to the committee bill. This amendment embodies recommendations made by a bipartisan group of Senators who are committed to getting this legislation passed and signed by the President.

The amendment establishes a predecisional administrative review process. It allows an additional analysis under the National Environmental Policy Act. It directs the Secretary of Agriculture to give priority to communities and watersheds in hazardous fuel reduction projects. It contains new language protecting old-growth stands. It encourages the courts to expedite the judicial review process.

The committee bill authorizes grant programs to encourage utilization of certain forest waste material. It provides financial and technical assistance to private forest land owners to encourage better management techniques to protect water quality.

It also authorizes funding for the U.S. Forest Service, land grant institutions, and 1890 institutions to plan, promote, and conduct the gathering of information about insects that have caused severe damage to forest ecosystems. Also included in the bill is the Healthy Forest Reserve Program, which is a private forest land conservation initiative to support the restoration of declining forest ecosystem types that are critical to the recovery of threatened, endangered, and other sensitive species.

Two titles were added to the House-passed bill by our committee. One would establish a public land corps to provide opportunities to young people for employment and, at the same time, provide a cost-effective and efficient means to implement rehabilitation and enhancement projects in local communities. The other title will promote investment in forest-resource-dependent communities.

In essence, this legislation will provide new legal authority to help us manage the Nation's forests in a safer and more effective manner.

I urge the Senate to support this bill.

Madam President, I yield the remainder of the time allocated to me under the order to the distinguished Senator from Pennsylvania, Mr. SANTORUM.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, parliamentary inquiry: I believe the minority has 9 minutes left. I would like to respond to the remarks of the distinguished chairman of the Agriculture Committee.

I ask the Senator from Pennsylvania, would that be acceptable?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, parliamentary inquiry: How much time is left on both sides?

The PRESIDING OFFICER. There are 7 minutes remaining on the Republican side; 9 minutes remaining on the Democrat side.

Mr. SANTORUM. Fine. If there is time remaining, I am happy to let the Senator stay on this subject.

Mr. WYDEN. I thank my friend from Pennsylvania and, Madam President, ask to be recognized.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Madam President.

First, I express my appreciation to the distinguished chairman of the committee. I think he knows I agree with so much of what he just previously said.

I want to emphasize, on this side of the aisle we believe there are 60 votes to move forward on this legislation. We want to work constructively to get this done. The minority leader, Senator DASCHLE, has emphasized again and again how important it is to move forward with this legislation. We do want to address the concerns of the Members. We know a lot of Senators feel strongly about this issue. But it is absolutely imperative—absolutely imperative—Madam President and colleagues, that this bill get out of the Senate this year. That is my goal. I am going to put every ounce of my energy and strength into it.

The reason I think the Senate ought to move forward with this legislation is the bipartisan compromise that has been discussed by the chairman of the committee steers, in my view, a narrow path through 20 million acres of highly vulnerable forest land that lies close to highly vulnerable communities and their drinking water sources.

I have already outlined this morning the five or six major ways in which this compromise differs from what has been considered in the House of Representatives.

For example, under this legislation that has been crafted in a bipartisan way by a group of nine Senators, we have authorized an increase of 80 percent in funding for thinning projects. There has been tremendous concern all across the country that without adequate funding for thinning projects, the only people who would have the resources to do the work would be the large commercial logging companies. In our discussions among Senators, we said: There is a better way to proceed.

That is why we came up with a funding proposal that sends a responsible message all across the country that this is not some sort of giveaway to big timber companies; this is something that represents responsible forestry. On provision after provision with respect to this compromise, we see those kinds of efforts to ensure that we strike a responsible balance.

We have to make sure we protect our rural communities. The House legislation doesn't do that. The Senate compromise directs 50 percent of the funding to be spent inside the wildland and urban interface; the House bill is silent with respect to those funds. Again, we see an effort on the part of Senator COCHRAN, chairman of the committee, and the nine Senators who worked together on this legislation, to strike a reasonable compromise.

The old-growth provisions are the first statutory protection ever for these trees that the American people feel so strongly about. There is a concrete incentive to get the old-growth protection in place. Under something for which I commend the chairman that is genuinely creative, we stipulate that the old forest plans actually have to be revised to protect the old growth in order for the thinning work to be done. So we have something which strikes a genuine balance, and it is done in a creative way.

I said earlier that forestry issues are about as contentious as Middle Eastern politics. It is very difficult to find the common ground. We have done that in this area. This compromise ensures that the public will be involved in every single aspect of the debate with respect to forestry. That is something on which Senator FEINSTEIN and I insisted. We have worked on this legislation for many months with Senator DOMENICI, chairman of the Energy and Natural Resources Committee. I hope we will move quickly and do it in a fashion that addresses the concerns of all Senators.

There have been a number who have come to Chairman COCHRAN and me with ideas and suggestions. We want to hear from them. But we want this bill passed this year by the Senate. Senator DASCHLE has communicated that again and again and has been extremely constructive. Nobody is interested in an obstructionist kind of approach. This has to get done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

JUDICIARY OBSTRUCTIONISM

Mr. SANTORUM. Madam President, I have taken the floor to talk about obstructionism of the other side of the aisle with respect to judges. That has been a main point of contention on my part, that it is something that is doing damage to our judiciary and to the Senate.

Today I want to talk about another aspect of that obstructionism. That is the tone and substance of the debate occurring on judges that are being put up, particularly for the circuit court.

Yesterday we experienced something in the Judiciary Committee that I find beneath the dignity of the Senate and raises serious concerns about how we are going to attract good people to put their names before the Senate for confirmation to judicial office. I have behind me a copy from a Web site that